

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 11-10693-GAO

CRYSTAL LITZ,
Plaintiff,

v.

THE SAINT CONSULTING GROUP, INC.,
P. MICHAEL SAINT and PATRICK FOX,
Defendants.

ORDER
September 11, 2013

O'TOOLE, D.J.

The plaintiff moved to amend the Complaint to add a Massachusetts state law claim for unpaid overtime pursuant to Mass. Gen. Laws ch. 151. The Court denied her motion in February 2012, declining to apply the Massachusetts overtime statute extraterritorially to an employee who worked outside Massachusetts. Litz v. Saint Consulting Group, Inc., 2012 WL 549057 at *1 (D. Mass. February 17, 2012). Litz now seeks reconsideration on this issue pursuant to a recent Massachusetts Supreme Judicial Court opinion, Taylor v. Eastern Connection Operating, Inc. 988 N.E. 2d 408 (Mass. 2013).

In Taylor, the court held that the Massachusetts independent contractor statute applied to employees of a Massachusetts based company who lived and worked in New York because their written employment contracts contained an express choice of law provision requiring the application of Massachusetts law to any contract dispute. Id. at 414. Taylor's holding simply does not apply to this case, because here there is no contractual choice of law provision to be applied. As previously noted by this Court,

Litz has never worked in Massachusetts, she has never resided in Massachusetts, and her employment contract did not even contain a Massachusetts choice of law provision. She was an Illinois employee of a corporation which maintains a headquarters in Massachusetts. Thus, she does not have sufficient contacts to add a Massachusetts law claim to her complaint.

Litz, 2012 WL 549057 at * 1. For these reasons, the plaintiff's Motion for Reconsideration (dkt. no. 109) is DENIED.

The plaintiff's motion to file a reply brief (dkt. no 114) is also DENIED.

It is SO ORDERED.

/s/ George A. O'Toole, Jr.
United States District Judge